



New South Wales

Port of Newcastle (Extinguishment of Liability) Bill 2022

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to extinguish certain liabilities of the operator of the Port of Newcastle relating to an agreement between the State and the operator of Port Botany and Port Kembla.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Clause 3 provides that the Act binds the Crown.

Clause 4 extinguishes the operator of the Port of Newcastle's liability to reimburse the State for payments the State must make to another port operator.



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Port of Newcastle (Extinguishment of Liability) Bill 2022

No. , 2022

A Bill for

An Act to extinguish certain liabilities of the operator of the Port of Newcastle relating to an agreement between the State and the operator of Port Botany and Port Kembla; and for related purposes.

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *Port of Newcastle (Extinguishment of Liability) Act 2022*.

2 Commencement

This Act commences on the date of assent to this Act.

3 Act binds Crown

This Act binds the Crown.

4 Extinguishment of liability

(1) From the date on which this Act commences, a reimbursement provision of the Port of Newcastle Port Commitment Deed has no legal effect.

(2) Subsection (1) prevails to the extent of an inconsistency with another Act or law.

(3) Nothing in this section affects the validity of another provision of the Deed.

(4) In this section—

Port of Newcastle Port Commitment Deed means the “Port Commitment Deed” entered into by the State on or about 30 May 2014 for the purposes of privatising the Port of Newcastle, as in force from time to time.

reimbursement provision means a provision requiring an operating entity associated with the Port of Newcastle to pay an amount to the State following receipt of a notice that the State is required to pay an amount to an operating entity associated with another port.